

# **EXHIBIT 8**

**Response of  
Wisconsin Electric Power Company and Wisconsin Gas LLC  
to USEPA 104(e) Information Request  
for the Solvay Coke and Gas Site, Milwaukee, Wisconsin**

**Overview**

As a preface to responding to the specific requests contained in U.S. EPA's 104(e) request regarding the Solvay Coke and Gas Site in Milwaukee, Wisconsin ("Site"), Respondents Wisconsin Electric Power Company ("Wisconsin Electric") and Wisconsin Gas LLC ("Wisconsin Gas") (both d/b/a We Energies) provide the following overview regarding the past operations of certain predecessors that either (1) owned property and had operations at a parcel of property within the Site boundaries; or (2) had a customer and corporate (e.g., parent, sister subsidiary) relationship with an entity that owned and operated the Site.

All future correspondence regarding this Site should be directed to counsel for Wisconsin Electric and Wisconsin Gas, as set forth in Response to Request No. 1 below.

**(1) The Milwaukee Electric Railway & Light Co. (TMER&L) – Former Owner of Parcel Within Site Boundaries That Was Used as Material Yard and Coal Storage Yard**

TMER&L was formed in 1896 to provide electric, steam and interurban rail service. As discussed below (see Response to Request No. 1), TMER&L owned a parcel of property that is within the Site boundaries from 1896 to 1936. The parcel initially served as a material yard in support of TMER&L's car station on the other (west) side of the tracks that form the west border of the Site. In 1917, the material yard was converted to a coal storage yard. TMER&L ceased using the coal yard in 1919 and dismantled it in 1929. TMER&L sold the parcel to the Pere Marquette Railway Company in 1936. TMER&L changed its name to Wisconsin Electric Power Company in 1938. Wisconsin Electric is one of the respondents to this request.

**(2) Milwaukee Gas Light Company (MGL) – Sister Subsidiary and Parent Company (1947-1956) to Milwaukee Solvay Coke Company**

From 1917 until the late 1950s, MGL was the sole customer of the coke oven gas produced by the Milwaukee Solvay Coke Company (Solvay). The gas was piped directly to MGL's Third Ward gas plant without conditioning. In 1947, MGL purchased approximately 20 percent of its gas supply needs from Solvay; by 1952, after the introduction of natural gas, this had been reduced to approximately 6 percent. Solvay's primary business (and the source of the majority of its operating revenue) was selling the coke, chemicals and coke by-products produced through the coking process to customers other than MGL.

MGL was a subsidiary of American Light and Traction Co. (AL&T). AL&T, which later changed its name to American Natural Gas Company (ANG), acquired the Milwaukee Coke & Gas Co. (l/k/a Solvay) in 1928. Milwaukee Coke/Solvay was a direct subsidiary of ANG, and a sister subsidiary to MGL, from 1928 until January 1947. Solvay would likely have remained a direct subsidiary of ANG, and a sister subsidiary of MGL, but for the Public Utilities Holding Company Act of 1935 (PUHCA) and the contemplated liquidation of ANG. The PUHCA placed restrictions on the type of businesses a utility holding company (such as ANG and its parent company) could own. Therefore, in January 1947, Solvay became a direct subsidiary of MGL (and an

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indirect subsidiary of ANG) pursuant to proceedings before the Securities and Exchange Commission (SEC) and the Wisconsin Public Service Commission (PSC). Pursuant to proceedings under the PUHCA, the SEC determined on January 22, 1954, that ANG could retain Solvay as a direct subsidiary. Solvay was subsequently transferred back to ANG through a transfer by dividends of all the shares of Solvay from MGL to ANG. The SEC and PSC approved this dividend plan in December 1954 and it was implemented over a period of time from 1955 through 1956.

Solvay remained a subsidiary of ANG until June 1, 1962, when Solvay was sold to Wisconsin Coke Company, Inc., a newly-formed subsidiary of Pickands Mather & Co. Solvay concurrently changed its name to MSC Corporation and Wisconsin Coke Company, Inc. changed its name to Milwaukee Solvay Coke Company, Inc. None of these entities have any relationship or connection to MGL.

To summarize, MGL was a customer, sister company and, from 1947-1956, a parent company to Solvay. MGL did not own the Solvay property, nor did MGL operate the Solvay coking operation, directly or indirectly.

Through a name change, MGL became the Wisconsin Gas Company effective December 30, 1965. Wisconsin Gas Co. changed its name to Wisconsin Gas LLC in 2004. Wisconsin Gas is one of the respondents to this request.

### **Responses to 104(e) Requests**

Documents which were contributing sources of information for the responses to these requests are included at Tab [#] where [#] corresponds to the request number.

The following people assisted in the preparation of this Response:

Mary Ann Barragry, Team Leader-Library & Research Services, We Energies

Carl Claussen, former officer of MGL and Solvay

Art Covi, Principal Engineer-Environmental, We Energies

Dick Dowdell, Manager-AQCS Projects, We Energies

Sue Fisher, Corporate Information Management, We Energies

Trent Kohl, Principal Engineer-Environmental, We Energies

Jim Lingle, Principal Environmental Chemist-Environmental, We Energies

Susan Martin, Counsel-Legal Services, We Energies

Grace Pink, Real Estate Analyst Clerk, Property Rights & Information, We Energies

These individuals may be contacted through counsel: Rachel A. Schneider, Quarles & Brady LLP, 411 East Wisconsin Avenue, Milwaukee, Wisconsin 53201, 414.277.5829, fax 414.978.8829, [rschneider@quarles.com](mailto:rschneider@quarles.com)

Wisconsin Electric and Wisconsin Gas object to these information requests as overbroad, vague and burdensome to the extent they seek information not relevant to the purposes set forth in CERCLA §104(e)(2).

1. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any materials, including hazardous substances, at the Site? If the answer to the preceding question is anything but an unqualified "no", identify:
  - a) the chemical composition, characteristics, physical state (e.g., solid, liquid) of each material;
  - b) who supplied you with such material;
  - c) how such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
  - d) when such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
  - e) where such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
  - f) the quantity of such materials used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.

**Response to Request No. 1:**

From 1896 to 1936, TMER&L owned a parcel of property that is within the Site boundaries ("TMER&L Parcel"). TMER&L operated its Kinnickinnic material yard at this location. Based on Sanborn maps, Wisconsin Electric believes that in 1910 the TMER&L Parcel housed a brass foundry, two tile conduits, a cement house, two propane tanks, a casting shed, and an oil platform. The Kinnickinnic car station was housed across the tracks to the west, but was not on the TMER&L Parcel or the Site.

In 1917, TMER&L dismantled the Kinnickinnic material yard and converted the TMER&L Parcel to a coal storage area known as the "K.K. Coal Yard." The coal yard was designed to store 46,000 tons of coal. Coal was shipped by barge and by utility cars to TMER&L power plants from this location. The K.K. Coal Yard was closed in July of 1919 and was dismantled in 1929. The TMER&L Parcel was sold in 1936 to the Pere Marquette Railway Company.

Copies of documents in the possession of Wisconsin Electric regarding the material yard and K.K. Coal Yard are included at Tab 1. Specific information regarding the materials used, handled and stored at the TMER&L Parcel, such as the information requested in subparts 1(a)-(f), is not available.

MGL purchased unconditioned coke oven gas from Solvay from approximately 1917 through the late 1950s. No analyses of the gas from that time is available. However, coke oven gas is similar to the gas produced in the manufactured gas process, which was commonly utilized in the first half of the 20<sup>th</sup> century. MGL processed the coke gas it purchased from Solvay at its Third Ward plant. During the later years of the contractual relationship between Milwaukee Solvay and MGL, the gas was sent directly to the City of Milwaukee Sewerage Commission.

2. State the dates during which you owned, operated, or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g., deeds, leases, etc.).

**Response to Request No. 2:**

See Response to Request No. 1.

3. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, lessors, or by prior owners or operators at the Site.

**Response to Request No. 3:**

Due to the passage of time, Respondents are unable to provide responsive (e.g., living people) information to this request regarding the handling, etc. of any hazardous substances at the Site by TMER&L or by prior owners or operators at the Site, other than as may be identified or inferred from the documents included with this response.

4. Identify the prior owners of the Site. For each prior owner, further identify:
- a) the dates of ownership;
  - b) all evidence showing that they controlled access to the Site; and,
  - c) all evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

**Response to Request No. 4:**

Milwaukee Coke & Gas Company was incorporated on January 12, 1903, and acquired the property parcels comprising its operations through seven transactions between 1903 and 1920. Prior owners included: Illinois Steel Co., Serial Investment Co., August Uihlein & Wife, Harbor Land Co., Fred Vogel, Jr., L. J. Petit & Wife, and Alaska Land Co.

Milwaukee Solvay Coke Company was incorporated in 1906 and was a wholly owned subsidiary of Milwaukee Coke & Gas Company. It appears that something happened to Milwaukee Coke & Gas and sometime after 1934 Solvay became the contracting party and is that entity that continued to operate the vast majority of the Site until 1962. On June 1, 1962, Solvay's property was sold to Wisconsin Coke Company, Inc., a newly-formed subsidiary of Pickands-Mather & Co. On the same day, Solvay changed its name to MSC Corporation and Wisconsin Coke Company changed its name to Milwaukee Solvay Coke Company, Inc.

The Sanborn maps included at Tab 4 provide information regarding the prior owners for parcels (including the TMER&L Parcel – see Response to Request No. 1) comprising the Site, including Minerva Furnace, Thomas Furnace Co., Suhm Leather Co., Fred Rueping Leather Co., and Milwaukee Blast Furnace.

**5. Identify the prior operators, including lessors, of the Site.**

**For each operator, further identify:**

- a) the dates of operation;**
- b) the nature of prior operations at the Site;**
- c) all evidence that they controlled access to the Site;**
- d) all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.**

**Response to Request No. 5:**

The documents at Tab 5 generally describe the operations of the Milwaukee Solvay Coke Company (f/k/a Milwaukee Coke & Gas Company) at the Site. See also Response to Request No. 4 and documents at Tab 4 describing prior owners and some lessee information..

Based on Art Covi's personal observation from the street and railroad tracks, the Site was used as a concrete crushing plant during the 1990s and large piles of aggregate were accumulated on site from that process. By 2001, no observable stockpiling or disposal activities were apparent at the Site.

Respondents have no further information responsive to this request.



6. Have you or any other person working with you or on your behalf ever accepted waste materials, including hazardous substances, for transportation to the Site from any person? If the answer to this question is anything but an unequivocal "no", identify:
- a) The persons from whom you or such other persons accepted waste materials for transport to the Site;
  - b) Every date on which waste materials were so accepted or transported;
  - c) For each transaction, the nature of the waste materials accepted or transported; including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
  - d) For each material, describe any warnings given to you with respect to its handling;
  - e) The owner of the materials so accepted or transported;
  - f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;

**Response to Request No. 6:**

No.

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:
- a) The persons with whom you or such other persons made such arrangements;
  - b) Every date on which such arrangements took place;
  - c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;
  - d) The owner of the waste materials or hazardous substances so accepted or transported;
  - e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
  - f) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
  - g) Where the person identified in f) above intended to have such hazardous substances or waste materials transported and all evidence of this intent;
  - h) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
  - i) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
  - j) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
  - k) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
  - l) The price paid for (i) transport or (ii) disposal of (iii) or both, of each waste material and hazardous substance;
  - m) All documents containing information responsive to a) – l) above, or in lieu of identification of all relevant documents, provide copies of all such documents;
  - n) All persons with knowledge, information, or documents responsive to a) – l) above.

**Response to Request No. 7:**

Respondent has no knowledge or information responsive to this request.

8. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom.

**Response to Request No. 8:**

Respondent objects to this request as it calls for speculation and/or legal conclusions.

9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.

**Response to Request No. 9:**

Respondent believes that persons identified through a title search as current and prior owners could be sources of further information and documents responsive to these requests. The City of Milwaukee, Department of City Development, may also have additional information.

Larry Johnson, President, Dustcoating Inc., may have information regarding tar removal activities at the Site undertaken in the 1980s.

10. Provide copies of all local, state and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

**Response to Request No. 10:**

Not applicable. TMER&L's ownership of a parcel within the Site boundaries precedes the passage of environmental laws requiring permits.

By providing this information, Wisconsin Electric and Wisconsin Gas are not, and shall not be construed as, admitting in any way that either of them is liable or responsible for costs of any sort relating to the Solvay Coke & Gas Site. Wisconsin Electric and Wisconsin Gas expressly reserve all rights and defenses at law or equity that may apply.

The information provided herein, subject to inadvertent or undisclosed errors, is based upon, and therefore necessarily limited by, records and information still in existence, presently recollected and thus far discovered in the course of preparing these responses. Wisconsin Electric and Wisconsin Gas reserve the right to provide further information should more accurate information become available at a later date.

**Certification**

I certify under a penalty of law that this document and all Enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. There are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

10/28/04  
Date

Kristine M. Krause  
Signature

Kristine M. Krause  
Vice President - Environmental  
Wisconsin Electric Power Company

10/28/04  
Date

Sally R. Bentley  
Signature

Sally R. Bentley  
Assistant Vice President - Legal Affairs  
Wisconsin Gas LLC

## **TAB 1**

- Copy of photo of the Milwaukee Solvay Coke Co. (date unknown).
- Undated plat maps (Lots 9, 11, 12, 13 and 17 are the lots owned at one time by TMER&L).
- Warranty Deed, Elizabeth & Charles Pfister and Louise & Fred Vogel to The Milwaukee Street Railway Company of N.J. (December 14, 1892).
- Deed, The Milwaukee Street Railway Company of N. J. to Charles A. Spofford as Trustee (May 20, 1895).
- Deed, Charles A. Spofford as Trustee to The Milwaukee Street Railway Company (October 1, 1895).
- Warranty Deed, The Milwaukee Electric Railway and Light Company to Pere Marquette Railway Company (October 26, 1936).
- Map of Property, the Milwaukee Coke & Gas Co., February 13, 1926 (see parcel labeled "TMER&L").
- Excerpts from 1915 paper, "Historical Facts of Milwaukee's Street Railway System" by H.G. Abendroth: pp. 21-24 (generally describing the shops, including the Kinnickinnic shops, utilized by the Milwaukee Street Railway and TMER&L; no specific information regarding the Kinnickinnic material yard across the tracks to the east from the car station).
- Excerpts of articles on TMER&L Kinnickinnic Yard from TMER&L Rail and Wire, 1916-1918, 1929.
- Excerpts from "TM, The Milwaukee Electric Railway & Light Company," by Joseph M. Canfield (1972, Central Electric Railfan's Association): p. 32 (deeding of railway and electric properties of the Milwaukee Street Railway through foreclosure to the newly formed TMER&L on Febr. 1, 1896); 4 plate/page map of TMER&L Street Car Lines of Milwaukee 1933 (4<sup>th</sup> plate shows KK Car Station and Yards); p. 422 (discusses shop facilities consolidated in the KK barn in the 1890s, shop inadequate by 1907 and new Cold Spring Shops completed by 1911), p. 424 (KK barn (station) placed in service in 1876, remained in service in 1972 as bus garage).
- 1910 Sanborn Maps Nos. 484 (showing TMER&L Parcel), 469 (showing TMER&L Street Car Barn on west side of tracks (not part of Site)).
- 1951 Sanborn Maps Nos. 484 (TMER&L Parcel labeled as "(T.M.E.R.R. & L. Co.)" with no buildings indicated), 469.
- 1969 Sanborn Maps Nos. 484 (TMER&L Parcel no longer labeled TMER&L), 469.
- The Milwaukee Coke & Gas Company, Gas Delivered to Milwaukee Gas Light Company (1917-1931).
- Partial copy of August 21, 1934 Contract for the Sale and Purchase of Crude Coke Oven Gas between Milwaukee Coke & Gas Co. and MGL.

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- **August 22, 1950 Coke Oven Gas Contract between MGL and Solvay (and related PSC Supplemental Order dated August 31, 1950 approving contract).**
- **Opinion and Order of PSC in Application of Milwaukee Gas Light Company for Approval of Contract between said Company and its Wholly Owned Subsidiary Milwaukee Solvay Coke Company (May 26, 1950).**

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#### **TAB 4**

- The Milwaukee Coke & Gas Company, History of Companies (not dated).
- The Milwaukee Coke & Gas Company Property Account ending December 31, 1927.
- Summary of Real Estate Acquisitions by the Milwaukee Coke & Gas Company as of 1928.
- Financial Reports of the Milwaukee Coke & Gas Company (1926-1930).
- Deed from Milwaukee Solvay Coke Company to Wisconsin Coke Company, Inc. dated June 1, 1962, with attached property descriptions/transaction descriptions showing Solvay ownership interests going back to 1903.
- Amendment of Articles of Incorporation for Wisconsin Coke Company, Inc. changing name to Milwaukee Solvay Coke Company, Inc., June 1, 1962
- Amendment of Articles of Incorporation for Milwaukee Solvay Coke Company changing name to MSC Corporation, June 1, 1962
- Warranty Deed from Milwaukee Solvay Coke Company to Wisconsin Coke Company, Inc., June 1, 1962
- Drafts of Resolutions of the Board of Directors of American Natural Gas Company regarding the sale of Milwaukee Solvay Coke Company to Wisconsin Coke Company, Inc., a newly organized subsidiary of Pickands Mather & Co.
- [At Tab 1] Excerpts from "TM, The Milwaukee Electric Railway & Light Company," by Joseph M. Canfield (1972, Central Electric Railfan's Association); 4 plate/page map of TMER&L Street Car Lines of Milwaukee 1933 (see 4<sup>th</sup> plate); p. 386 (reference to Maple Street Car Ferry Dock, discussion of coal shipments).
- 1894 Sanborn Maps Nos. 255, 256, 297, 298, 316 (Minerva Furnace and Suhm Leather Co. at southern end of Site).
- 1910 Sanborn Maps Nos. 484 [at Tab 1] (Thomas Furnace Co. and Fred Rueping Leather Co. at southern end of Site), 470 (The Milwaukee Coke & Gas Co.), 456 (same – north to Greenfield Ave.), 455 (far northeast tip of Site with "coke pile 20' high").
- 1951 Sanborn Maps Nos. 484 [at Tab 1] (Milwaukee Blast Furnace Co. – note that all buildings removed), 470 (Milwaukee Solvay Coke Co.), 456 (same), 424 (same – on north side of Greenfield Ave.), 455 (same – coke pile).
- 1969 Sanborn Maps Nos. 484 [at Tab 1] (Milwaukee Slovak [sic?] Coke Co. – coal and coke storage), 470 (Milwaukee Solvay Coke), 456 (same), 424 (same – north side of Greenfield Ave.).
- SEWRPC aerial photos of Site area: 1963, 1967, 1970, 1975, 1980 [?], 1985, 1990, enlarged 1995 [?].

## **TAB 5**

- **Survey Map of The Milwaukee Coke & Gas Co., Dec. 5, 1930.**
- **Findings and Opinion of the Commission, In the Matter of The United Light and Railways Company, American Light & Traction Company, et al. (now American Natural Gas Company) under the Public Utility Holding Company Act of 1935), File Nos. 59-11, 59-17 and 54-25, Securities and Exchange Commission (Jan. 22, 1954).**
- **Milwaukee Solvay Coke Company by Henry T. Garvey, Public Relations, Milwaukee Gas Light Company (July 1957).**
- **Redacted Interview of John Koehn, June 29, 1993, by Attorney Whitney E. Bakley, Howrey & Simon.**
- **Summary of Interview with Carl Claussen, Oct. 6, 1993, by Attorney Peter R. Reckmeyer, Michael Best & Friedrich.**
- **Carl Claussen's notes/recollections to Attorney Kelly Cochrane, Michael Best & Friedrich.**
- **Selected Milwaukee Solvay Coke Co. (f/k/a Milwaukee Coke & Gas Co.) company newsletters from 1921-1972 (obtained from UWM Library Archives by MBF in 2001).**